

JAP:ABK

14 N 572

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-against-

ANGEL GALAN,

Defendant.

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FILED UNDER SEAL

AFFIDAVIT AND COMPLAINT
IN SUPPORT
OF APPLICATION FOR
AN ARREST WARRANT

(T. 18, U.S.C., § 922(g)(1))

EASTERN DISTRICT OF NEW YORK, SS:

JOHN CHANG, being duly sworn, deposes and states that he is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), duly appointed according to law and acting as such.

Upon information and belief, on or about June 8, 2014, within the Eastern District of New York, the defendant ANGEL GALAN, having been convicted in a court of one or more crimes punishable by imprisonment for a term exceeding one year, did knowingly and intentionally possess in and affecting commerce a firearm, to wit, a black .40 caliber Smith & Wesson Model MP40 semiautomatic handgun, and ammunition.

(Title 18, United States Code, Section 922(g)(1))

The source of your deponent's information and the grounds for his belief are as follows¹:

¹ Because this affidavit is being submitted for the limited purpose of establishing probable cause to arrest, I have not set forth every fact learned during the course of this investigation.

1. My information in this case comes from a review of records of the New York City Police Department ("NYPD") and other government agencies, and conversations with other law enforcement officers.

2. On June 8, 2014, at approximately 1:45 a.m., two NYPD officers (the "officers") from the PSA3 Anti-Crime Unit in Brooklyn, were on routine patrol in an unmarked police vehicle and in plainclothes.

3. The officers were driving northbound on Manhattan Avenue near the intersection of Seigel Street in Brooklyn when an individual, later identified as the defendant ANGEL GALAN, was observed standing with a group of other individuals at a street corner, holding a clear plastic cup with a liquid inside. Upon observing the unmarked police vehicle, the defendant walked away from the group, heading eastbound on Seigel Street. As he walked away, the defendant threw the plastic cup on the ground.

4. One of the officers ("Officer #1") exited the passenger door of the unmarked police vehicle, which temporarily stopped, permitting Officer #1 to exit. Officer #1 then approached the defendant, identifying himself to the defendant as police, with his police shield visible. As Officer #1 identified himself and approached the defendant, Officer #1 observed the defendant remove an object from his clothing and place it on top of the passenger-side tire of a nearby parked vehicle. The defendant continued to walk away from Officer #1, at which time Officer #1 detained the defendant.

5. Contemporaneously, the officer who had been driving the unmarked police vehicle ("Officer #2") drove alongside Officer #1 and the defendant and stopped the car. Officer #2 then exited and approached the defendant and Officer #1 on foot. As Officer

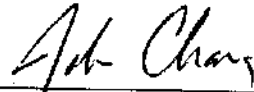
#2 approached on foot, Officer #1 pointed out to Officer #2 the place where the defendant ANGEL GALAN had placed the object. Officer #2 then found a black .40 caliber Smith & Wesson Model MP40 semiautomatic handgun above the passenger-side tire of a parked vehicle, where Officer #1 had indicated. No other objects were located in that area where the handgun was found.

6. The handgun contained ammunition in a magazine, as well as one round in the chamber. In addition, a search incident to the defendant's arrest revealed one round in the defendant's pocket. All of the ammunition recovered from the handgun and the defendant's pocket was .40 caliber Smith & Wesson ammunition.

7. I have spoken with an ATF interstate nexus expert who informs me that the .40 caliber Smith & Wesson Model MP40 semiautomatic handgun and the ammunition are manufactured outside the State of New York.

8. I have reviewed the defendant ANGEL GALAN's criminal history records and have determined that the defendant has been convicted of numerous crimes, including a July 22, 1999 conviction in the United States District Court for the Eastern District of New York for a violation of 18 U.S.C. § 1951 (Hobbs Act robbery), a crime punishable by a term of imprisonment of more than one year, for which Judge Nina Gershon sentenced the defendant to 149 months of imprisonment.

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant ANGEL GALAN so that he may be dealt with according to law.



JOHN CHANG
Special Agent
ATF

Sworn to before me this
18th day of June, 2014

THE HONORABLE JAMES ORENSTEIN
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK